

REFERENCE TITLE: zoning; housing; historic neighborhoods

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1601

Introduced by
Senators Alston: Diaz, Gabaldón, Gonzales, Kuby, Miranda, Sears;
Representatives Connolly, Garcia, Gress, Márquez

AN ACT

AMENDING SECTION 9-462.13, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.13, Arizona Revised Statutes, is amended
3 to read:

4 9-462.13. Zoning; development; middle housing; applicability;
5 definitions

6 A. ~~On or before January 1, 2026,~~ A municipality with a population
7 of seventy-five thousand persons or more must authorize, by ordinance and
8 incorporate into its development regulations, zoning regulations and other
9 official controls, the development of duplexes, triplexes, fourplexes and
10 townhomes as a permitted use on both of the following:

11 1. All lots zoned for single-family residential use within one mile
12 of the municipality's central business district.

13 2. At least twenty percent of any new development of more than ten
14 contiguous acres.

15 B. The municipality may not do any of the following:

16 1. Discourage the development of middle housing through
17 requirements or actions that individually or cumulatively make
18 impracticable the permitting, siting, or construction of middle housing.

19 2. Restrict middle housing types to less than two floors.

20 3. Restrict middle housing types to a floor area ratio of less than
21 fifty percent.

22 4. Set restrictions, permitting or review processes for middle
23 housing that are more restrictive than those for single-family dwellings
24 within the same zone.

25 5. Require owner occupancy of any structures on the lot.

26 6. Require any structures to comply with a commercial building code
27 or to contain a fire sprinkler.

28 7. Require more than one off-street parking space per unit.

29 C. This section does not prohibit the governing body of a
30 municipality from allowing either of the following:

31 1. Single-family dwellings in areas zoned for single-family
32 dwellings.

33 2. Additional types of middle housing not required under this
34 section.

35 D. This section does not apply to any of the following:

36 1. Areas that are not incorporated.

37 2. Areas that lack sufficient urban services.

38 3. Areas that are not served by water and sewer services.

39 4. Areas that are not zoned for residential use.

40 5. Areas that are not incorporated and are zoned under an interim
41 zoning designation that maintains the area's potential for planned urban
42 development.

43 6. Areas covered under title 48, chapter 6, article 4.

44 7. Any land within the territory in the vicinity of a public
45 airport as defined in section 28-8486 or to the extent this section would

1 interfere with the public airport's ability to comply with the laws,
2 regulations and requirements of the United States related to applying for,
3 receiving or spending federal monies.

4 8. Any land within the territory in the vicinity of a military
5 airport as defined in section 28-8461.

6 9. AREAS THAT ARE DESIGNATED AS A DISTRICT OF HISTORICAL
7 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

8 10. AREAS THAT ARE DESIGNATED AS HISTORIC BY THE MUNICIPALITY.

9 11. AREAS THAT ARE DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER
10 OF HISTORIC PLACES.

11 E. If a municipality does not adopt the regulations required by
12 this section on or before January 1, 2026, middle housing shall be allowed
13 on all lots in the municipality zoned for single-family residential use
14 without any limitations.

15 F. This section does not change or otherwise impair the terms of
16 any development agreement that exists on September 14, 2024.

17 G. Notwithstanding subsection A of this section, a utility provider
18 impacted by a development being developed pursuant to this section shall
19 have the opportunity to review and approve the site plan for the
20 development.

21 H. For the ~~purpose~~ PURPOSES of this section:

22 1. "Building code":

23 (a) Means a construction code adopted by a municipality.

24 (b) Includes a model building code, commercial code, plumbing and
25 mechanical code, electric code, energy conservation code, fire code,
26 property maintenance code, neighborhood preservation code, antiblight code
27 or other similar code.

28 2. "Central business district" means an area or series of areas
29 designated by a municipality that are primarily nonindustrial and that
30 attract community activity, including the entire geographic area that the
31 municipality has officially designated as its downtown or equivalent on
32 September 14, 2024.

33 3. "Duplex" means two dwelling units on the same parcel or lot in
34 attached, detached or semidetached arrangements that are designed for
35 residential occupancy by not more than two households living independently
36 from each other.

37 4. "Floor area ratio" means the ratio of allowed square footage in
38 a middle housing project to the square footage of the parcel on which it
39 is built.

40 5. "Fourplex" means four dwelling units on the same parcel or lot
41 in attached, detached or semidetached arrangements that are designed for
42 residential occupancy by not more than four households living
43 independently from each other.

1 6. "Household" means either:

2 (a) A single person living or residing in a dwelling or place of
3 residence.

4 (b) Two or more persons living together or residing in the same
5 dwelling or place of residence.

6 7. "Middle housing":

7 (a) Means buildings that are compatible in scale, form and
8 character with single-family houses and that contain two or more attached,
9 detached, stacked or clustered homes.

10 (b) Includes duplexes, triplexes, fourplexes and townhouses.

11 8. "Permitted use" means the ability for a development to be
12 approved without requiring a public hearing, variance, conditional use
13 permit, special permit or special exception, other than a discretionary
14 zoning action to ~~determination~~ DETERMINE that a site plan conforms with
15 applicable zoning regulations.

16 9. "Townhouses" means dwelling units that are constructed in a row
17 of two or more attached units in which each dwelling unit shares at least
18 one common wall with an adjacent unit and that are accessed by separate
19 outdoor entrances.

20 10. "Triplex" means three dwelling units on the same parcel or lot
21 in attached, detached or semidetached arrangements that are designed for
22 residential occupancy by not more than three households living
23 independently from each other.

24 Sec. 2. Emergency

25 This act is an emergency measure that is necessary to preserve the
26 public peace, health or safety and is operative immediately as provided by
27 law.